

OFFICE OF THE GOVERNOR

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## STATE OF ALABAMA

January 12, 2010

Via Fax No. 334-677-4780

Mr. Mark S. Culver  
Chairman, Houston County Commission  
462 N. Oates Street  
P. O. Drawer 6406  
Dothan, AL 36303-3912

Dear Mark:

Thank you for your letter dated January 8, 2010. I welcome your desire to work with my office and state law enforcement in a civil manner.

Like you, I believe that Houston County and its citizens are shining examples of the best of Alabama. I remain fully committed to continued economic development of the County, and my office stands ready to assist you and the other County Commissioners in promoting the County in every manner consistent with the laws of Alabama.

As Governor, I have a constitutional duty to "take care that the laws are faithfully executed." I took an oath to carry out that duty, and I intend to fulfill my oath.

Alabama law clearly prohibits slot machines and any machine readily convertible to a slot machine. Section 13A-12-20(10) of the Code of Alabama provides that any machine designed to accept cash or credit and then dispense prizes based on chance is a slot machine. Separate provisions of Alabama law prohibit gambling, and the exceptions that allow bingo to be offered by charities are to be construed so as to allow only the traditional game of bingo, as the Supreme Court of Alabama has held time and time again. In light of those legal provisions and binding court decisions, I have no doubt that the operations at Country Crossing involve illegal slot machine gambling.

Based upon evidence that was presented following an undercover law enforcement investigation, a duly elected judge in Houston County issued a search warrant pertaining to the gambling operations at Country Crossings. That judge found that there was probable cause to believe that illegal gambling was occurring at Country Crossing.

Law enforcement officials were preparing to execute that duly issued search warrant when you and others obtained a temporary restraining order. That order was issued in the middle of the night without any effort having been made to allow representatives of my Task Force to present counterarguments. Your lawyers yesterday admitted that the temporary restraining order was illegally issued.

Mr. Mark S. Culver  
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While I want to engage in a civil dialogue with you and others in Houston County about these issues, I cannot agree to allow illegal activity at Country Crossing to continue indefinitely until the litigation that you filed runs its course. Country Crossing could have obtained a declaratory judgment concerning the legality of its slot machines before it ever opened, but it chose not to do so. The order that you obtained last week constitutes, in my view, an improper interference with law enforcement, and I feel that I must take every possible action to reverse it immediately. It would be a dangerous precedent to allow the filing of a civil case to frustrate the ability of State officials to enforce our criminal laws.

I know that you and other officials in Houston County are rightly concerned about unemployment in these challenging economic times. But, the desire for increased employment cannot take precedence over adherence to the law. Jobs generated by illegal activity are not a legitimate solution to any problem.

I believe that our State has made the right choice in prohibiting slot machine gambling. Permitting casino gambling in our State would create serious social problems. Florida state officials have advised us that calls from Alabama to Florida's problem gambler hotline have skyrocketed since the so-called electronic bingo wave hit our State. Gambling interests are already negatively influencing the institutions of our government and our public discourse.

While I have been accused of singling out Houston County, that is not accurate. My Task Force has worked closely with local officials in Jefferson, Mobile, St. Clair, Walker, Etowah, and Madison Counties in closing illegal slot machine operations or preventing them from opening. While I cannot discuss other efforts that are underway, you can be assured that I am committed to stopping this illegal activity whenever and wherever it is occurring in Alabama.

Finally, while I cannot agree to stop law enforcement operations, I do hope that the rhetoric concerning these issues can be toned down. Officials at Country Crossing and others in your County repeatedly have made the most scurrilous allegations against me and my motives. My objective is simple: I want to see the law enforced as quickly and as uniformly as possible across the State.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Riley", with a stylized flourish at the end.

Bob Riley  
Governor of Alabama

BR/el/ps